PARTNERSHIPS FOR SUSTAINABILITY

Developing Canada's Federal Partnerships: Policy Considerations in the Resource and Environmental Fields

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EXECUTIVE SUMMARY

The Canadian Institute for Environmental Law and Policy (CIELAP) has produced this report as part of its Sustainable Policy Solutions Program. This program researches and recommends how government can better approach sustainability. This paper addresses partnerships involving the government in the environment and resource fields.

Partnerships are an important tool for approaching sustainability. There are many risks, however, associated with using them inappropriately. In order for the federal government of Canada to approach sustainability using partnerships, and avoid the risks associated with them, it must develop policies to address its partnering behaviour. This report details the policy considerations that federal policy must address.

This report draws from the contemporary literature on the topic and from CIELAP's expertise in the field of partnerships. It begins by explaining that in order for partnerships to be useful they must be well structured and carried out. It recommends that federal departments and agencies mandate a process for entering or initiating partnerships. The process should make sure that CIELAP's ten qualities of effective partnerships are considered and addressed to the greatest extent possible. It should also make sure that the partners select an appropriate level of relationship.

The report then examines six types of initiatives in the environment and resource field that can be undertaken by partnerships. They types of projects are: monitoring and reporting, pollution reduction, information and public awareness, certification, policy and law development, and conservation.

For each type of initiative the report describes what it is and why it is important. It explains who in the federal government undertakes such initiatives and explains what role partnerships can have in them. It then explains the risks and policy concerns associated with such partnerships. Each section provides examples of real federal partnerships or partnership policies.

Appendix A describes the sectors that partners can come from and what needs to be considered in partnering with organizations from each sector. Appendix B describes the various intensities of collaborative relationships that are possible, and the risks and benefits associated with each level. Appendixes C, D, E, F, and G describe existing federal policies that deal with partnerships.

The paper concludes by generalizing the specific policy concerns raised in each section into four general policy concerns. They are:

1) Maintaining regulations: it is never appropriate to supplant regulations with partnerships. Partnerships can compliment and surpass, but not replace regulations.
2) Selecting appropriate partners: partners must be credible and capable of carrying out the partnership.
3) Having an impact: the partners must choose activities that will lead to results, and then execute them in and effective way.
4) Accountability: partnerships with the government must be transparent and must spend public funds appropriately.

CIELAP believes that by addressing the general and specific policy concerns described in this report, the federal government of Canada can use partnerships effectively and with little risk and thus speed its approach towards sustainability.

INTRODUCTION

Governance in Canada is changing. As Langford describes (1999), the Federal Government of Canada has been, for most of its history, a closed system in which agenda setting, decision making, providing public services, and developing and implementing regulations and policies were guided by ministers and undertaken only by government departments with the occasional assistance of Crown corporations, regulatory agencies and contracted agencies. In this system jurisdictions were clearly divided; accountability and responsibility clearly defined, compartmentalized, and concentrated; and activities determined to be part of government were planned, undertaken and overseen only by government. Citizens and the private sector were only involved in this system as voters, participants in party politics and pressure group members.

In the last two decades this system has shifted dramatically. As Desautels said (1999), the "who" of governance has changed. Individual governmental departments progressively make fewer decisions and undertake fewer actions without input and assistance from outside bodies. A hallmark of contemporary governance is interdepartmental cooperation and private and non-governmental sector participation in setting policy agendas, forming policies, and executing them. Among the trends and strategies that characterize this shift are downsizing, subsidiarity, commercialization, contractualization, referenda, and new public management (Langford 1999: 105). None of these new trends and tools have generated as much interest, excitement, discussion or proposed usage as partnerships (Bradford 2003). Partnerships are:

> arrangements between two or more parties who have agreed to work cooperatively toward shared and/or compatible objectives and in which there is: shared authority and responsibility (for the delivery or programs and services, in carrying out a given action or in policy development); joint investment of resources (time, work, funding, material, expertise, information); shared liability or risk-taking; and ideally, mutual benefits (Rodal and Mulder 1993: 26).

Simultaneous to the opening of government, the concept of sustainable development has emerged. Canada has defined sustainable development as, "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." (*Ammendments to the Auditor General Act*, 1995). Sustainable development requires concurrently achieving a healthy economy, healthy society and healthy environment. Achieving this form of development requires creating new models and integrating expertise across sectors and organizations (Hemmati 2002, 2). Partnerships are a tool that has emerged to address this need. Because of the flexibility of partnerships and the wide range of issues that they can address, they were a major focus of the World Summit for Sustainable Development (WSSD), and are one of the three major recognized outcomes of the summit (UNEP 2002). The Canadian Federal Government itself committed to 12 formal partnerships at the summit as well as many other informal partnerships (Government of Canada, 2003).

Partnerships have become an important contemporary governance tool due to the opening of governance in Canada, and the Federal Government's commitment to sustainability. However, the Federal Government has set out few guidelines to direct its partnering behaviour.

RATIONALE AND APPROACH

The companion paper to this report, the *Policy Guide to Partnerships for Sustainability in Canada*, showed that the Federal Government needs to create policy to guide its partnering behaviour. This paper lays out what the Federal government needs to consider in forming this policy. It will focus on policy regarding partnerships in the resource and environmental fields. It will first describe the structural issues important to consider in partnerships for sustainability and how policy can impact on these concerns. Second, this paper will look at the various types of initiatives that can employ partnerships for environmental improvement. It will examine the federal policies that exist around partnerships for each type of initiative. Through case studies and literature review, it will examine the particular policy concerns of partnerships for each type of initiative and how policy can address those concerns. It will conclude by generalizing the policy concerns and recommending directions for further development.

The ideas outlined in this report are drawn from careful and thorough analysis of the current literature concerning new governance in Canada, partnerships, and collaborative initiatives, as well as the Canadian Institute for Environmental Law and Policy's (CIELAP' s) contemporary work on partnerships and interviews and documentation of several federal level partnerships in the resource and environmental fields.

This report has three objectives. First, it is intended to assist policy makers in all federal departments to create and evaluate their policies in order to use partnerships more advantageously. We encourage those policy makers to read this paper, to carefully consider its recommendations, and to implement them wherever possible. Second, this report should help policy analysts and advisors to develop more detailed recommendations and critiques concerning partnerships at the federal level, and to begin developing policy recommendations and critiques concerning partnerships at the provincial and local levels. Third, this report is intended to contribute to the on-going dialogue concerning partnerships for sustainability, their use, and policy and governance trends.

STRUCTURAL ISSUES IN PARTNERSHIPS

The set up and management of a partnership impacts directly on how successful it is. In almost all situations partnerships that are poorly established either function sub-optimally or fail. CIELAP's past and contemporary research shows that there are ten qualities that successful partnerships have. Structuring these qualities into partnerships is vital to achieving success in partnering. Further discussion of the importance of these qualities, and how partnerships can go about achieving them is discussed in CIELAP's papers *Getting the Most Out of Partnerships, How to Make Partnerships Work, Evaluating two Partnerships* (2005) and *Partnering for Sustainability: The Canadian Experience* (2001). The qualities are that:

1) The partnership has a solid base of joint commitment and understanding,
2) There is a clear and appropriately detailed plan for achieving the goals of the partnership,
3) Each partner clearly benefits from the partnership,
4) Sufficient and appropriate resources are committed from all partners for achieving the goals of the partnerships
5) The partnership has an appropriate level of formality
6) The partnership has good leadership
7) The partnership has clear and effective lines of accountability
8) Partners communicate in productive and supportive ways
9) There is trust in the function of the partnership
10) Accurate and appropriate indicators are used to evaluate and improve the success and progress of the partnership

In addition to incorporating these ten qualities into a partnership, it is also important that the collaborators select an appropriate level of intensity for their new relationship. Appendix B at the end of this document describes the various intensities that collaborative relationships can have, and what the benefits and risks of each level of relationship are.

Because the structure of a partnership can either generate successful progress towards sustainability, or a drain of resources and counteractive behaviours, it is very important that all federal partnerships be well structured. Being well structured means having all ten qualities of successful partnerships and an appropriate level of intensity. Creating a well structured partnership requires either a great deal of luck, or undertaking a careful, thoughtful process to structure the relationship. There are many documents that describe this process, and many individuals and organizations that specialize in helping to guide and broker new partnerships. When new partnerships use the processes that partnership experts have created, they enjoy a much higher level of success.

The first recommendation of this report is that all departments of the federal government adopt a policy mandating a process for entering or initiating partnerships which makes sure that all ten qualities are considered and addressed to the greatest extent possible, and that an appropriate level of relationship is selected. Such processes are detailed in CIELAP's other documents and in documents such as HRDC's *Partnership Handbook* and are used by most partnership brokers.

POLICY CONCERNS REGARDING DIFFERENT TYPES OF INITIATIVES

There are many types of activities that partnerships can undertake in order to have positive impacts on environmental and resource issues. The policy concerns associated with each type of activity are different, and thus each type of activity will be discussed separately below. The types of activities are classified as monitoring and reporting, pollution reduction, information and public awareness, certification, policy development and conservation. The following sections will provide examples of partnerships for each type of activity, the risks and benefits of such partnerships, and how policy can address all concerns.

Monitoring and Reporting

Monitoring and reporting have two main roles in the environment and resource fields. The first is to track environmental conditions and quality. This includes observing and documenting conditions as diverse as concentrations of particulate matter in the air in urban areas to the diversity of the worm population to the occurrence of forest fires to the levels of effluent from a factory. Such monitoring and reporting plays many important roles in approaching sustainability. It helps to identify where potential problems are, where efforts for improvement have been successful and where they have not, where action is needed, and they help to predict future conditions. Monitoring and reporting are thus very important to both making sure that things are being done well and for designing new projects and plans of action.

The other role that monitoring and reporting has in the environment and resource fields is tracking program delivery and project implementation. Such monitoring and reporting makes sure that government funds are spent responsibly. It also helps existing projects to improve. By tracking progress and the impacts of actions, places where a program or project is weak become evident, and improving the project becomes, if not imperative, at least easier.

All federal departments monitor how their programs are delivered, and to some extent improve upon those programs based on what they observe. Federal departments that have programs that are impacted by environmental conditions monitor the conditions that impact on their activities. Environment Canada does the most monitoring of these conditions. They monitor environmental conditions, extending from biodiversity, atmospheric conditions, and pollution to energy and water consumption rates and soil conditions. Other departments who monitor environmental conditions include NRCan, Industry Canada, Agriculture and Agri-Food Canada, Fisheries and Oceans Canada, and others.

Partnerships already play a vital and growing role in monitoring environmental conditions. There are so many geographically diverse areas, and so many aspects of the environment, that thorough monitoring by the government alone would be virtually impossible. In order to increase the amount of information available about environmental conditions, government departments have invited or mandated that citizen groups, research centers, and private companies assist in monitoring the environment. In many cases these monitoring arrangements are partnerships. Examples of such partnerships include the National Pollutant Release Inventory, Nature Watch, and the State of the Environment Reporting Program.

Partnerships play a different role in monitoring program effectiveness and delivery. It is not unusual for a government department to contract an outside body to monitor, or evaluate a federal government's program delivery. Similarly, outside bodies can also help in internal program evaluation by collecting the data or information necessary to evaluate a program. Often the Auditor General or the Commissioner of the Environment and Sustainable Development will conduct this type of evaluation. Sometimes, however, outside evaluators are brought in. In 2002, Industry Canada employed an organization called Performance Management Network to evaluate the usefulness of its website (Industry Canada 2002). For this type of relationship, which is more contractual than partnership, the department or agency commissioning the evaluation must make sure that they are hiring a reliable and experienced evaluator.

The policy concerns associated with partnerships for collecting information about environmental conditions or impacts on the environment are far more complex. In order for such partnerships to be effective they need to accurately reflect the conditions that are reported on. In order to get accurate reflection and monitoring, information must be gathered that is useful, correct and reliable. Getting such information can be quite difficult, as there are often complexities in figuring out which information to collect and how.

Useful information is information that, when properly gathered, can tell the story of a particular type of condition or behaviour, such as emission levels or population levels. For example, in order to monitor the population of a certain type of animal in a given region for the purpose of predicting its future population it would be insufficient to look at that animal's population at the current time and at it's birth rate. That information alone would likely give a skewed and inaccurate picture. It would also be necessary to gather data about the population of it's predators, how it will likely change, and about it's food supply, and how that will likely change.

Correct or accurate information is sometimes difficult to collect, particularly when it comes to environmental conditions. Returning to the example of monitoring the population of a certain type of animal, it is important to understand the behaviours of the animal, how to find the animals in the area being monitored, and how to make sure that you have an accurate count of the animals. By using inappropriate methods for collecting information, it would be possible to count the same few animals several times, or to miss large populations, by looking in the wrong spots or at the wrong times.

Reliable information is information that has been gathered by a trustworthy source or that will be verified. Unreliable information will be questioned and potentially even discarded. In the partnerships that the government currently has for observing environmental conditions, including, for example, Nature Watch and NPRI, no information is submitted anonymously. This makes the people submitting the information at least somewhat accountable. Occasional verification of this information would add even more incentive for those submitting data to make sure that it is accurate, and would thus make it more reliable.

A good example of a group of partnerships for monitoring that makes sure that information is useful, accurate and reliable is the Nature Watch Program of Environment Canada, which is delivered with assistance from the Canadian Nature Federation. This program encourages community groups, nature enthusiasts, and schools to voluntarily participate in gathering information about environmental quality and to provide that information for researchers and for national databases. The program tells participants what type of information they are looking for, and then provides specific guidelines for collecting the information (Nature Watch 2002). By doing so, the program gets both useful and accurate information. The program makes those that contribute information sign in each time they contribute, and keeps track of those individuals, so that in the case that information needs to be verified it can be, and so that contributors feel more responsible for the information that they submit.

Clearly, partnerships can be a valuable tool in achieving accurate and reliable monitoring and reporting for sustainability. There are, however, risks associated with involving outside bodies in monitoring and reporting. Without adequate guidance there is a high likelihood that the information gathered for monitoring will be useless or wrong. In order for federal departments to accurately monitor environmental conditions using partnerships they need to: 1) decide what is going to be reported on, 2) create guidelines for how the information is going to be collected, 3) create a protocol for holding those submitting information accountable. Additionally they need to make sure that the groups that are observing and documenting conditions have adequate capacity for doing so. For example, some types of monitoring may require special equipment, or use of difficult methodology. In those cases, the department for whom monitoring is being done must either find an appropriately skilled partner or provide training and / or funding.

Pollution Reduction

Pollution is a major factor standing in the way of achieving sustainability. The federal government reduces the amount of pollution that businesses and individuals living and operating in Canada produce in several ways. It:

- regulates and enforces how much pollution certain types of emitters, usually large industrial producers, can release,
- encourages the development of alternatives to pollution,
- gives groups and individuals incentives to reduce their emissions, and
- reduces the pollution caused by its own functioning.

In order reduce pollution levels through regulatory instruments, the federal government sets laws and enforces them. The law that sets pollution limits and details how those limits are to be enforced is the Canadian Environmental Protection Act (CEPA), which is Environment Canada's jurisdiction. Other federal departments have programs for pollution prevention and reduction which compliment CEPA, some of which include their own regulations. The other regulations that limit pollution levels are the Fisheries Act, the Canada Water Act, the Arctic Waters Pollution Prevention Act, the Pest Control Products Act, the Feeds Act, the Seeds Act, and the Health of Animals Act (Environment Canada 2004). Additionally, provincial ministries of the environment have the power to regulate and enforce regulations concerning acceptable levels of pollution (Environment Canada 2004).

CEPA identifies substances that are toxic and either limits or bans their release. In order for a substance to be considered CEPA toxic it must be studied and shown to be dangerous to the environment, biodiversity or human health. The onus is on the regulator to show that a substance is toxic before regulating it, and such demonstration may take many years. Once something is deemed to be CEPA toxic, a limit is set concerning how much of it can be released to the environment by any one body at any given time (Environment Canada 1999). The other regulations dealing with pollution either concern how certain types of substances can be used, or reinforce CEPA enforcement regarding certain types of resources, such as water.

CEPA and other environmental protection acts are limited in their ability to require pollution reduction. There is a potential for much greater pollution reduction than they require but, at this time, no regulatory tool to get such reduction. Additionally, they generally deal with large polluters, leaving non-point source polluters, for example car drivers, without significant pollution reduction regulations. Furthermore, in an adversarial regulatory regime, polluters sometimes don't comply with standards, and may be penalized, for example through fines, but may continue to exceed the regulated standard.

There are several ways in which partnerships with the federal government can contribute to pollution reduction that surpasses regulations, is more long term, or reduces the cost of regulatory enforcement. The first is through voluntary agreements with large scale polluters. Environment Canada already uses such agreements under the name Environmental Performance Agreements (EPAs). These are arrangements between Environment Canada and a company or group of companies. Non-governmental organizations (NGOs) and other government agencies may also be part of these agreements. They aim to achieve specific environmental results which may surpass or meet regulations. For the government, the purpose of these agreements is to achieve regulatory compliance or to surpass regulations at a lower cost than standard regulatory enforcement. For industry there are many potential benefits, including potential flexibility in how they can achieve pollution reduction, certainty that regulatory standards will remain consistent, as well as the potential to improve their public image and relations with the government and community (Environment Canada 2001: Introduction).

An example of such a partnership is an EPA between Environment Canada and Dow Chemical concerning the production and distribution of 1,2 Dichloroethane, which is a CEPA toxic chemical produced only by Dow. The EPA details how the two groups will work together to design a plan for the management of this chemical in a way that is mutually acceptable to both bodies. It also maintains Environment Canada's power to enforce the law regarding the chemical if Dow does not seem to be holding up its end of the deal (Environment Canada 2003, *Environmental Performance Agreement Respecting the Production and Distribution of 1,2-Dichloroethane*). The EPA is not yet over, but at this point it seems to be achieving, if not surpassing its aims.

Environment Canada has laid out a clear policy framework to guide its use of EPAs (see Appendix C), which describes when they are appropriate, with what partners, for what aims, and what needs to be

structured into them. Importantly, this framework states that EPAs will only be used in situations where there are regulations in place, in case the EPA is not successful (Environment Canada 2001: Policy Framework for Environmental Performance Agreements). This is a vital aspect of any voluntary agreement to reduce harmful pollutants, particularly those that have been regulated at some point.

There has been some misconception that, because the actions undertaken in partnerships sometimes lead to the surpassing of regulated standards, they can replace regulation. In partnerships like EPAs, such an erroneous misconception can have serious implications. As Harrison has explained (2001), without strong regulatory standards, the actions that groups take that lead to the surpassing of regulations would generally not be undertaken. It is key to remember that the actions undertaken in partnerships are voluntary. Without a context of regulation and enforcement, there is little motivation to join partnerships, and even less motivation to comply with the commitments made in them. Partnerships cannot replace regulation. Partnerships can create flexibility, cooperation and collaboration in the context of a regulatory threat.

A second type of partnership that the federal government can use to reduce pollution beyond regulated standards is partnerships to develop technologies and processes that can reduce pollution levels. Many federal departments already have programs or agencies to support such partnerships including Sustainable Development Technology Canada (SDTC), the Technology Early Action Measures program, and the National Research Council's and Technology Partnerships Canada's Industrial Research Assistance Programs. The purpose of these programs is to provide assistance to businesses in the form of funding and capacity building for developing and demonstrating new, sustainable technologies. The concerns that must be considered in entering into such partnerships are the degree of sustainability of the technology slated for development or demonstration and the capacity of the partnering business.

The federal government has defined sustainability, but figuring out what behaviours and technologies are reasonably sustainable are environmentally friendly can be much more difficult. "Sustainable" technologies and processes will often reduce the impact of acquiring a service or product. Those "sustainable" technologies and processes, however, will have environmental impacts of their own, for example resource usage. Any department undertaking partnerships for sustainable technology development must be careful to set criteria that makes sure that the technologies that they are supporting help to advance sustainability.

It is also very important that partnering organizations in the government select appropriate organizations to partner with. The risks that technology partnerships present are a waste of resources and the development of a dependent relationship. Accordingly, the government must select partners that 1) would not be developing and marketing the technology at the same rate without the assistance provided by the partnership 2) are capable of researching and developing the technology with assistance from the partnership, and 3) will be able to continue marketing the technology after the partnership is over.

SDTC has developed a protocol that addresses all of these concerns. SDTC has a streamlined application process (see Appendix D) in which all applicants must show that their technology is marketable, will create significant emissions reductions, and that the applicant itself has great enough capacity to lead the project. The applicants must also show that the project is such that traditional private funding sources would not likely fund it. SDTC uses external experts in technology and in investment, as well as a board made up of diversely experienced individuals to thoroughly review each application, to make sure that it meets the criteria, and will be successful. Such involved review is necessary for partnerships for technology development and demonstration to be effective and to not simply drain resources.

A third type of partnership that the federal government can use to reduce pollution is partnerships to implement existing efficient technologies. These partnerships either provide a financial incentive, or increase the capacity of NGOs, businesses or individuals that may have an interest in implementing a pollution reducing technology or process. Examples of programs to develop and support such partnerships include Natural Resources Canada's (NRCan's) Commercial Buildings Incentive Program (CBIP), Energy Innovators program and Wind Power Production Incentive Program.

Departments funding such partnerships need to make sure that the resources that they put towards them are used for their expressed purpose and that they will result in real pollution reduction. To do so they must structure accountability for using resources into the partnership and they must support only projects with potentially demonstrable results. CBIP does this by requiring that those who will receive funding demonstrate that the design of their building will lead to an energy savings of 25% more than is required by the standard building code. Before incentive funds are given to a collaborator, a contribution agreement is signed between the two bodies, which states that the collaborator will implement the plan, or will give the funds back to NRCan (NRCan 2005).

Finally, the government can create partnerships to reduce the amount of pollution created by its operations. Heating, cooling, and providing electricity to the buildings that house the federal government and powering the vehicles used in various projects and programs all create pollution. The government can unilaterally implement initiatives to reduce the pollution created by these activities, for example, by using alternative energies in its buildings, or by powering its fleet with electricity or natural gas. It can also undertake such initiatives in partnership with businesses or NGOs. In such partnerships, the government must choose partners with adequate demonstrated capacity. It must also make sure that the initiatives undertaken by these partnerships could not be more easily and cheaply be undertaken unilaterally.

An example of such a partnership is the Federal Building Initiative (FBI). In this partnership the government hires experienced private sector energy management companies to retrofit federal buildings for energy efficiency. The energy management company decides what to retrofit and finances the changes privately. They are then paid back with the money saved through energy savings (Environment Canada 1996, *National Action Program on Climate Change*). This partnership efficiently produces energy savings and supports the growing industry of energy managers.

There are, thus, many types of partnerships that the federal government can employ for reducing pollution. They are:

- voluntary agreements with large polluters
- technology development and demonstration partnerships
- incentives for employing pollution reducing technology and processes
- partnerships to reduce the pollution created by the government's own operations

Partnerships of each type have different concerns related to them. For voluntary agreements, it is vital that they be undertaken in a context of regulation and that the partners are not under the impression that they are supplanting regulation. For technology development and demonstration partnerships, it is important that partners be chosen who have enough capacity to develop the technology, that the technology have substantial positive environmental impacts, and that the partner not become dependent on the government body. For incentive partnerships, it is key that, once again, the technology or process that the partner will be employing have substantial positive environmental impacts and that the partner be compelled to follow through with the agreed to initiative. Finally, in partnerships to reduce pollution created by the governments own operations, the government must only partner with groups that have demonstrated capacity and abilities that the government itself does not have.

Information and Public Awareness

The Canadian public plays important roles in environmental improvement as consumers and as political actors. The consumptive behaviour of people living in Canada greatly impacts on the environment. Those impacts can be significantly reduced through behaviour changes, such as shifting from driving cars to taking public transit, or using less energy or energy from renewable sources, or buying local organic food instead of imported conventional food. The only way that people can intentionally improve their behaviours is if they know the impacts of their current behaviour and how those impacts can be reduced. The only way to create such knowledge is to provide information to the public. This can include information about what causes environmental damage, what alternatives exist, and what programs exist to help citizens adopt those alternatives.

As political actors, Canadian citizens play a significant role in deciding where government funds will be spent and what political issues will be

important. Lobby groups and political pressure groups also play a role in this agenda setting. However, as the electorate, Canadian citizens are arguably the most important players in setting the government agenda. In order for environmental issues to be accorded importance by the government, and thus be given funding and attention, it is necessary that the public be aware of environmental issues and their human impacts. They must also be in some way vocal about their positions on these issues. Again, in order for this to happen, the public must be made aware of environmental issues and what they can do to address them.

Any government department that in some way addresses environmental issues can undertake partnerships for public awareness. Government departments can work to create this awareness unilaterally, and they all do to some extent, at least through their websites and publications. Partnerships, however can increase both the capacity to increase public awareness and make the information communicated more credible. They can be undertaken between government departments, with NGOs and with businesses or business associations.

Examples of partnerships for environmental awareness abound. One example is a 2001 partnership between Transport Canada and the Canadian Urban Transit Association to put clean air and climate change messages on busses in 61 cities across Canada to convince Canadians to adopt more sustainable modes of transportation. Transport Canada sponsored the posting of the jointly generated messages (Transport Canada 2002). Another example is a partnership between Health Canada and Environment Canada to help educate youth about the impacts of UV rays and how those impacts can be diminished. The partnership provides resources to teachers, an informative and interactive website, UV condition information, and more. The departments developed and deliver the awareness program together (Environment Canada 2002 *UV Index and Sun Protection*).

In partnerships with the federal government for public awareness it is important that the information that is being distributed be correct and credible and that it be communicated in a compelling and cost effective way. Partnering government departments must thus choose partners who are considered by the public to be credible and who have information distribution capacity, such as advertising experience or past experience in public awareness campaigns. If the government is going to provide the information to be distributed, it must generate accurate information, and if the partner(s) are to provide the information, they partnering department must choose, in addition to credible partners, partners who have the capacity to accurately generate the necessary information. Finally, the government and the partner must agree on a reasonable cost for the public awareness campaign or project, and stick to it.

If the information distributed is incorrect, it can shift public opinion and behaviour to have greater environmental impacts. If the information distributed is found to be wrong it can negatively impact the government's credibility as well as the partner's. If the information is distributed in an ineffective way, it will likely have no impact. Similarly, if it is distributed by an organization that the public does not consider credible, it will likely be ignored. If it is distributed in an excessively expensive way it can cause anger and even scandal with the departments involved in the partnership. The sponsorship scandal, as will be discussed further in the conclusions, is an example of what can happen if these concerns are not addressed.

An example of a partnership that addressed all of the above concerns is a partnership between NRCan, Saskatchewan Industry and Resources, Agriculture and Agri-Food Canada, the Saskatchewan Watershed Authority, the Prairie Farm Rehabilitation Administration, the University of Regina, the Royal Saskatchewan Museum and other partners including geoscience consulting firms and educators. The partnership produced and distributed posters showing the geological makeup of Southern Saskatchewan. The purpose was to inform the public about the geological makeup of the region and the environmental concerns and potential resources associated with that geological make up. NRCan has similar partnerships in other regions. In the partnership a wide variety of credible and experienced groups was gathered to create a product that would be of educational value and that would be interesting and attractive to many groups, such as educational institutions and youth. They distributed the product in a cost effective and efficient way, charging $15 dollars for it and selling it through many of the partners involved (NRCan 2004).

Any department considering a partnership for public awareness should make sure that they have created criteria for selecting partners and carrying out the activities that avoids the potential problems of ineffectiveness, a lack of credibility, inefficiency, and inaccurateness.

Certification Programs

In addition to informing the public about how they can change their behaviours and reduce their environmental impact in general, telling them which products are environmentally better can further advance environmental improvement. Similarly, having a way to market companies or products as environmentally sound creates an incentive for companies to produce green products or to green their operations. A tool with which to both inform consumers and reward environmentally sound behaviour is product or company certification. Such certification uses a standard or label to identify certain products as environmentally better.

Many types of products and companies can be and are certified through many different certification programs. Some of the best-know environmental certification programs are ISO 14000, the Forest Stewardship Council (FSC), LEED Certification for Buildings, and Energy Star. The federal government has created its own environmental label, called the Environmental Choice Label. Product certification under this label is carried out in a partnership between Environment Canada and the independent consulting firm TerraChoice (Terra Choice 2003).

Many departments could develop their own certification programs for products associated with their activities. For example, though the Canadian General Standards Board, an organization of the federal government, has developed a standard for organic agriculture in consultation with a large number of stakeholders, there is no standardized certification for products of organic agriculture in Canada. Agriculture and Agri-Food Canada could create a program for such certification. Similarly, Fisheries and Oceans Canada could create a certification program for sustainably caught fish, or NRCan or Industry Canada could create a certification program for more sustainable building materials, beyond the R-2000 certification system that NRCan already has.

Partnerships can do a great deal to increase the viability, scope and credibility of certification programs. By involving large, diverse stakeholder groups in developing certification standards and methodologies, certification programs become more credible, and subsequently more used. The Forest Stewardship Council's standards were developed in this way. By using third party certifiers who are well trained and are themselves certified in some way to certify, the number of products that can be certified can increase significantly.

There are many potential risks for the government in using partnerships in environmental certification programs. If a certification program is poorly carried out there is a possibility that a department will loose credibility or that all government certification programs will loose credibility. In order to make sure that this does not happen the government must make sure that:

- certification standards are chosen that are meaningful and generally agreed upon
- certifiers are used that have adequate expertise and ability
- certifications are done through a transparent process
- all certified products meet the certification standard

A partnership between Loblaws and Pollution probe to endorse "green products" serves as an example of what can happen if the above are not observed. In this partnership Pollution Probe agreed to endorse seven of Loblaw's products as environmentally friendly. Pollution Probe had no set standard of what environmentally friendly meant, and only tested one of the seven products. Members of Pollution Probe endorsed the products without the approval, or knowledge of the entire staff. The result was a large controversy which temporarily damaged Pollution Probe's credibility and led to the cancellation of the endorsement altogether (Pollution Probe 2004: 22-24).

A partnership that has done better with product certification is the Environment Canada's Environmental Choice Program (see appendix E). The program has developed criteria for over one hundred types of products spanning from adhesives to compost to de-icing chemicals for airports. The program develops criteria for more environmentally friendly products of each type in cooperation with

industry, environmental groups, consumer groups and government. Companies that produce a product type for which evaluation criteria have been developed can submit their product for review. It is reviewed and preliminarily approved. Finally, third-party audit guarantees that the product or service is an environmentally preferable choice (Terra Choice 2003). The third-party auditors, Terra Choice appear to be experienced and credible.

Using partnerships within certification programs can have tremendous benefits. However, any federal department considering using partnerships for certification programs needs to make sure that they choose credible and knowledgeable partners for developing standards and for certifying products. They also need to keep certification processes transparent and stringent. Doing so maintains the credibility of the certification and of all partners.

Policy and Law Development

Policies are the operating principles adopted by the federal government, its branches, departments and agencies to guide behaviour. Laws and regulations set rules and guiding principles for bodies outside of the government, and how the government can enforce those rules. Policies, laws and regulations, thus lay out how the government will act and how it will be involved in actions external to it.

All government departments set policies for themselves. These policies are rules or directives that guide the behaviour of the departments. Federal laws, however, are only created and adopted by Parliament. Parliament can delegate the power to create laws to the Cabinet, to individuals or a body, but always maintains the power to reverse or to not adopt a law. Parliament's power to make laws is not complete, and is limited by the distribution of powers, the Constitution, the Charter of Rights and Freedoms, and several other constitutional provisions. There are a few areas of regulatory power that the Crown maintains, which are not subject to parliamentary approval (Privy Council Office 2001: 5-7).

Partnerships can play many roles in developing policies and laws. They, however have no role in enacting laws or policies. The structure of the government and the allocation of powers within it have be carefully planned to make sure that laws are just, fair, reasonable, and accountable. It is for this reason that lawmakers are chosen democratically and powers are divided in the government. It is also for this reason that responsibility for enacting policies and laws cannot be shared in partnership.

Where partnerships are appropriate is in helping to create bills, which have the potential to become acts and then laws. Partnerships are also appropriate for helping to inform lawmakers about the content of and reasoning behind a bill. Concerning policy, partnerships can help departments to research policy issues and draft good policies to then be adopted by the department.

Not only is outside participation in developing law and policy acceptable, it is a priority set by the former Prime Minister Jean Chretien, and formally adopted by the Department of Justice (Department of Justice 2003) and Environment Canada (see appendix F). This support of public participation encompasses issues far beyond the environment, and also various types of participation, not only partnerships, but also consultation, information sharing, and more. Public input on a policy for the purpose of gaining perspective and support, and in which the groups participating are not given funding or support are not considered partnerships. This type of public participation in decision-making is very important, and it can be jointly beneficial, but collaborations where there is no resources are shared are not partnerships.

The partnership between the Policy Research Initiative (PRI) of the federal government and the International Institute for Sustainable Development (IISD), a sustainability focused NGO, is a good example of a partnership for policy development. In this partnership the two groups worked together to determine what policy issues the federal government needs to address in order to begin to approach sustainability. In the partnership, PRI funded the paper, and the IISD took the lead on the research. The two members jointly produced a paper in consultation with many federal departments. The purpose of the paper was to guide PRI's further research, and the research of other federal bodies regarding sustainability and to recommend how policy can begin to address sustainability (Barg et. al. 2003 Policy Research Initiative 2005).

There are several concerns with inviting partnerships in policy development that any department considering using such partnerships must address, which were laid out by Cooper (2002:2). The first concern is making sure that appropriate groups are represented, or invited to be represented in such partnerships. It is important that groups who are helping to develop a policy have the appropriate experience and perspective, and that groups who are helping to modify a policy represent the interested stakeholders.

The second concern is making sure that groups are invited to be involved early enough in the process that their concerns can be addressed. It does not make sense to form a partnership with an environmental NGO to evaluate a new legislation, if the legislation is already being discussed by parliament. Timing input is important to make sure that resources are used efficiently.

The third concern is making sure that partners have adequate resources to provide good input. If the government wants to have stakeholder perspectives considered in creating a law or policy, it must make sure that all stakeholders are able to participate in partnerships or consultations. This includes stakeholders that have few resources. If a key stakeholder needs further resources in order to be involved in policy development, the government department or agency inviting their participation should consider making those resources available. It is important that resources be accounted for and be given to organizations with adequate capacity to use them effectively.

Fourth, it is vital that the process remain transparent. If legislation and policy are created in a secretive way, particularly if they involve partnerships, they will likely receive narrow support, and will be considered less legitimate.

Finally, it is important that partnerships not excessively slow the process of creating legislation and policy. For some issues, the need to enact and enforce a law or policy is imminent, for example, regarding the banning of a new technology that could have potentially serious impacts, and which will be used if there is no ban. In such situations partnerships must be kept to a reasonable timeline.

The Environment Canada's policy on participation addresses these concerns well (see appendix F). The policy makes sure that partnerships that can influence policy, program, and law formation are open to all stakeholders. It states that it will invite these groups to participate at points in the partnership when their input will be influential, and states that it will consider all input from stakeholders. It includes a provision for providing funding to participants, and also lays guidelines for which types of participants will be eligible for funding and what activities can be funded. It not only says that it will run a transparent process, but lays guidelines for how that transparency will be achieved. It also states that it will not allow the participatory process to unreasonably slow the process of creating programs, policies and laws (Environment Canada 1996 *Our Commitment to Effective Consultations*).

Conservation

The final role that the Canadian federal government plays regarding the environment and natural resources is conserving land or helping others to do so. The government has significant land holdings, and can always acquire more or can designate certain types of land for conservation. Additionally, the government can work with other countries to facilitate land or biodiversity conservation. Conservation areas are important for protecting endangered species, ecologically sensitive areas, and the world's natural heritage, as well as for the ecosystem services that they provide, such as cleaning the air and water.

Within the Federal government there are several bodies involved in conservation including Environment Canada, the Canadian International Development Agency (CIDA) and the International Research Development Council. CIDA and IDRC conduct projects and programs throughout the world, many of which aim to protect wilderness or biodiversity. Environment Canada:

- assists others with conservation through its various programs and legislations
- conserves lands in Canada through its agency Parks Canada which manages the National Parks system and through programs such as the Ecological Gifts Program and the Habitat Conservation Program, and

- influences decisions about crown land.

Partnerships can play many roles in achieving conservation. First, they can build consensus for conserving publicly held land or water and can establish widely agreed to principles for managing those areas. An example of such a partnership is the Pacific Estuary Conservation Program, in which Environment Canada works with non-governmental groups such as The Nature Trust of British Columbia, Ducks Unlimited Canada and The Nature Conservancy of Canada to establish priorities for wildlife habitat, secure funds, and protect and manage these areas (Environment Canada 2002 *Other Protected Areas*).

Second, they can facilitate the conservation of privately held lands. A program that facilitates this type of partnership is the Ecological Gifts Program. In this program a private landowner can donate land or a partial interest in land to Environment Canada. In exchange, Environment Canada will make sure that the land is managed for conservation according to mutually agreed-upon conservation goals and objectives. Environmental charities manage the land. Additionally, the donor is eligible to receive income tax benefits for their donation (Environment Canada 2003 *Ecological Gifts Program*).

Third, they can assist those working towards conservation elsewhere by providing the means or knowledge exchange for conservation. Such a partnership exists between the World Conservation Union (IUCN) and CIDA. In this partnership, CIDA contributed money to help the IUCN to protect the wetlands of the Zambezi basin in a way that protects both human and environmental security (CIDA 2002).

Finally, they can establish agreements for conserving jointly held land, or land within a trans-jurisdictional same bio-region. An example of such a partnership is the Detroit River International Wildlife Refuge, which is a partnership between agencies of the US and Canadian Governments, local government representatives, NGOs and businesses to develop and implement a conservation management plan for the river, which flows on both sides of the border (United States Fish and Wildlife Service 2005).

There are a few risks associated with partnerships for conservation. They are:

- wasting resources on protecting land that has little ecological value
- poorly managing land or water resources
- not adequately representing all stakeholder groups in making management decisions
- not conserving land in perpetuity.

An example of a program that addresses three of these concerns is the Ecological Gifts Program (see appendix G). This program does not involve stakeholder groups in deciding how to manage the resources protected, and thus does not address inclusiveness in its program set up. The program invites private landowners to make donations of land for conservation. It will only take donations of land that are evaluated by environmental charities to be ecologically sensitive or important. The donor can make the donation with some conditions of how they will be able to use it. The way that the land is to be managed is agreed to by the donor, the donee and Environment Canada. The donees, who will manage the donation are all approved by Environment Canada, and have demonstrated their abilities in conserving land. As a result the land is well managed. Furthermore, the gift is permanent, and thus the land and its resources are conserved in perpetuity.

SUMMARY AND POLICY CONCERNS

This paper lays out the policy concerns that the federal government needs to address regarding partnerships in the environment and resource fields. It assumes that such partnerships can be beneficial, but that they will be more beneficial if guided by good policy.

The first concern raised by this paper is making sure that all federal partnerships are well structured.

The six sections above regarding different types of projects that can use partnerships laid out very specific policy concerns for each type of project. Each of these specific concerns should be addressed by each department or agency planning to use partnerships. They are summarized as follows.

In partnerships for monitoring and reporting, the information that is reported needs to be useful, accurate and reliable. The concerns that need to be addressed in these partnerships are thus:

- what is going to be reported on,
- how the information is going to be collected,
- holding those submitting information accountable
- making sure that those documenting and observing have adequate capacity to do so.

There are four types of partnerships for pollution reduction. In voluntary pollution reduction agreements pollution needs to be reduced at least to the regulated levels. The concerns that need to be addressed are thus:

- maintaining a regulatory backstop
- partnering with polluters that have the capacity to make reductions.

The result of technology development should be the development and/or commercialization of technologies that will be marketable and that will have positive environmental impacts. The concerns that need to be addressed are thus:

- choosing partners with enough capacity to develop the technology
- choosing partners who will not become dependent
- developing technologies with potential for significant positive environmental impacts.

In incentive partnerships, once again technologies need to be implemented that will have significant positive environmental impacts. The concerns that need to be addressed are thus:

- choosing technologies with significant positive environmental impacts
- choosing partners with adequate capacity to implement and monitor the technology
- making sure that the partner uses the incentive for the activity agreed to.

In partnerships to reduce the government's own pollution, the partner must be able to implement solutions with at least as much efficiency and effectiveness as the government itself. The concerns that need to be addressed are thus:

- selecting partners that have demonstrated capacity and abilities that the government does not have, or that the government has to the same degree.

Partnerships for information and public awareness must generate accurate information and communicate it in an effective way. The concerns that must be addressed are thus:

- selecting partners with demonstrated abilities in public relations or communication
- selecting credible or publicly trusted partners
- sharing information or creating awareness in an efficient way
- only sharing accurate information.

In partnerships for certification, the standards for certification need to reflect substantial improvement over conventional practices or products, and the standards need to be consistently applied. The concerns that must be addressed are thus:

- choosing certification standards that are meaningful and generally agreed upon
- using certifiers that have adequate expertise and ability
- conducting certification through a transparent process
- making sure that all certified products, companies or processes meet the standard.

Partnerships for policy or law development must develop policies or laws that are implementable and address all aspects of the issue that they are designed to address. The concerns that must be addressed are thus:

- involving appropriate stakeholders and partners with adequate knowledge or experience
- making sure that partners have adequate resources to make meaningful contributions
- timing partner involvement for when it can have an impact
- keeping the process transparent
- carrying out the partnership in a timely manner.

Partnerships for conservation must effectively protect ecologically valuable land in perpetuity. The concerns that must be addressed are thus:

- protecting ecologically valuable land or water
- properly and effectively managing the conserved area
- involving all stakeholder groups in making management decisions
- conserving the land or water resource in perpetuity.

Most of these specific concerns can be summarized as a few general policy concerns. Wherever possible federal departments and agencies planning to use partnerships for any environmental or resource activities should enact policies to address the specific concerns outlined above, and the more general types of concerns, delineated below.

The first concern is that sometimes there is an urge to replace regulations with partnerships. Where there are regulations, they should never be supplanted by partnerships. Regulations are mandatory where partnerships are voluntary. Partnerships can compliment regulations, and can surpass regulations, but cannot replace them.

The second concern is selecting appropriate partners. This means selecting partners that have enough capacity to carry out the partnership (see appendix A for more about different types of partners). This either means enough capacity to make an impact or enough capacity to carry out the activities of the partnership. If the partner is appropriate in many ways, but is missing capacity that can easily or quickly be built, the government partner can consider building that capacity. If, however, the partner is not clearly capable of doing what the partnership will require of them, the government partner should seek other collaborators.

The third concern is undertaking activities that will have an impact. The way to make sure that activities will have an impact is different in partnerships for each type of aim. In partnerships for policy development, for example, in order for the partnerships to have an impact, they must be appropriately timed, and representative stakeholders are involved. In order for partnerships for certification to have an impact, they must have a good standard and apply it consistently, and so on.

The fourth concern is making sure that the partnership is accountable. Accountability to the partnership is one of the ten qualities of effective partnerships. Government partnerships also must be accountable to tax payers. This accountability can be achieved by spending public funds responsibly, keeping processes transparent and making sure that appropriate groups are represented. As mentioned previously, the sponsorship scandal is an example of what can happen when the government does not maintain accountability. In the now famous scandal public money was spent in ways that violated the government and it's agencies' protocols. In many situations large amounts of money were either spent on nothing or were spent far in excess of what was

reasonable. Additionally, records of how money was spent were hidden or destroyed. The result has been anger and disappointment from many Canadians, and a trial which will undoubtedly result in some sort of punishment.

This paper has not laid out a framework for achieving sustainability. Neither has it laid out policies for federal bodies to adopt regarding partnerships for sustainability. However, if the bodies of the federal government that do or may use partnerships adopt policies to address the concerns outlined in this paper, partnerships for sustainability will become more effective and hopefully as a result Canada will be able to more quickly and effectively approach sustainability.

APPENDIX A: TYPES OF PARTNERS

This report has pointed to the need to choose appropriate partners with adequate capacity for sustainability partnerships. Besides the capacity that individual organizations have, different sectors have different capacities. The following classifies and details the capacities of the non-governmental, private, and governmental sectors as well as the risks associated with partnering with each sector.

Non-Governmental Organizations

Non-governmental organizations (NGOs) are those organizations not based in government and not created to earn profit. NGOs include a huge range of organizations with interests as diverse as stamp collecting, gun control, abortion issues, wilderness preservation, and far more. Because this report is concerned with partnerships for sustainability, it uses the term NGO to refer only to those non-profit organizations which function with the purpose of achieving a social or environmental goal.

In general the strengths that NGOs can bring to partnerships are:

(a) social proximity (grassroots and community links);

(b) field-based development expertise;

(c) specialized knowledge or skills;

(d) the ability to innovate and adapt;

(e) the ability to bring grassroots experience to discussions of development on national and international scales;

(f) participatory methodologies and tools;

(g) long-term commitment to and emphasis on sustainability; and

(h) cost-effectiveness (World Bank 2000).

The general limitations of NGOs are:

(a) limited financial, analytical, and management expertise;

(b) limited institutional capacity;

(c) gap between stated mission and operational achievements;

(d) low levels of self-sustainability;

(e) isolation/lack of interorganizational communication or coordination (Clark 1991)

These strengths and weaknesses do not apply to all NGOs equally. There is a wide diversity of NGOs that address sustainability. They can be classified by their functional roles, and the scale at which they work.

The two functional roles of NGOs are operational or advocacy. Operational NGOs are those organizations "whose primary areas of activity are directed toward the contribution or delivery of development or welfare services, including emergency relief, and environmental protection and management" (ADB 1998). Operational NGOs also can deliver social services, such as education, health care, etc.

Advocacy NGOs are those organizations "whose primary orientation is toward the advocacy of policies or actions that address specific concerns, points of view, or interests" (ADB 1998). They are often involved in research, public education, public dialogue, litigation, monitoring and auditing and are often involved in political processes in order to influence the policies and practices of governments or businesses. They often voice points of view and concerns that would not otherwise be heard in social, economic, and political processes.

The two scales at which NGOs work are the community level and the national and international levels. NGOs operating at the community level are often made up of members of that community, as well as visitors to the community who may come to assist the NGO. Often, they have joined to address immediate community-based interests. Their specialized knowledge and local connections can greatly improve the development and implementation of projects that require identification of local needs, require context specific knowledge, or require the participation of the community.

NGOs operating at the national and international levels have broader knowledge of the issues that they

address. While they have less local knowledge for project implementation and development, they often have greater technical and organizational capacities. They can also serve as intermediaries between local NGOs and governments, multilateral institutions, and businesses, and can coordinate larger projects.

Private Sector

Private sector organizations, or businesses, are those organizations who provide a product or service in order to make a profit. There are many different types and sizes of businesses. All industries and types of businesses have different types of expertise, as well as different social and environmental impacts and subsequently can contribute to sustainability partnerships differently.

The one common quality that all members of the private sector have is that their primary objective is to create profit (Allsopp 1995). Businesses can motivated to improve the community in which they work and the world around them, but in order for businesses to continue to function they must always, first and foremost, generate profit, because, "[w]here a business is not profitable there will be no chance to undertake [sustainability] projects"(INTRAC 2000:3). This profit motive impacts what types of partnership projects are appropriate to undertake with business in two ways. First, businesses must function efficiently and effectively within their sector, keeping costs down, and the quality of their product or service high in order to be competitive with other businesses undertaking similar activities. The result is that businesses are often able to provide the same services at a higher level of cost effectiveness than government or NGOs.

Second, the profit motive is always functioning within business, regardless of the level of altruism of the business's owners or employees. As a result, some businesses will do anything that they can in order to increase profits, including reducing the quality of a service, increasing or not decreasing pollution discharges, covering up negative impacts of products that they produce, etc (Harrison 2001). While this is not true of all businesses, there is no way to tell which businesses will act ethically. This makes accountability in partnerships with businesses even more important.

Other Levels of Government

The division of government into the federal, provincial and municipal levels, and into different departments at each level has the direct impact of compartmentalizing sustainability issues. There are often situations where more than one level of government and more than one department have complimentary expertise or ability to implement programs. Additionally, there are often situations in which several departments or levels will have similar programs. Partnerships can take advantage of both situations to either create greater efficiency or to create better, more effective projects and programs (Couture et. Al. 2001: 7).

Partnerships with other levels of government can involve consultation, advising, reduction of duplication, co-program delivery, and even transferring certain types of program provision to different federal departments or to provincial or municipal governments, provided such transfers are accompanied by adequate resource and capacity increases (Rounce and Beaudry 2002: 13-15).

Although all levels and departments of government in Canada have relatively similar cultures and parallel overall goals, there is always the risk, as in any type of partnership, that lines of accountability will become unclear. In any federal partnership it is very important that accountability be clearly articulated and monitored (Couture et.al. 2001: vii).

Other Governments

In its role as a member of the international community, the Federal government must do its best to contribute to the following: peace keeping, assisting historically marginalized countries, assisting other countries in times of emergencies, contributing to the global commons of knowledge, trading with other countries, and complying with international agreements (United Nations, 2004). Knowledge and resource sharing partnerships with other governments, can assist the Federal government in fulfilling these roles.

In terms of achieving governance within Canada there are a few areas in which partnerships with other national governments can be appropriate. First, other governments will often have experiences in

policy and program development and delivery which can inform the federal government's own development and delivery activities and can be shared through collaborative relationships. Second, other governments may have access to information that can be appropriately shared in partnerships. Third, there may be areas in which it is appropriate to develop joint policies with other national governments, in order to achieve harmonized standards, or trans-national goals (CSD-11, 2003: 9-11). Finally, the federal government may enter into agreements with other national governments for the achievement of joint goals, such as the Kyoto Protocol or the Biodiversity Convention.

APPENDIX B: TYPES OF RELATIONSHIPS

Partnerships can and do occur between all possible mixes of government bodies, private sector organizations, and non-governmental organizations (NGOs). Although there is a great diversity within each sector, as has been discussed, it is possible to make some generalizations about what levels of interaction are possible within and between each sector, and what the potential benefits and risks of such relationships are.

The dynamics between the three sectors are different. Accordingly, the following pages present two different matrices which lay out all of the potential levels of interaction within a partnership relationship within different governmental departments and levels, and involving government and external organizations. Each chart shows what the possible levels of relationship are and what the benefits and risks of the relationships are. Additionally, they give examples of the tools that are used to establish such relationships.

The charts also expand and clarify the definition of partnerships presented by Rodal and Mulder cited in the introduction. Not all of the levels of interaction are partnerships. Only those which have both joint decision-making and joint responsibility are partnerships. The others demonstrate the entire range of potential interaction possible between independent bodies and help to distinguish between what are and are not partnerships. They also demonstrate other levels of collaboration possible which aren't partnerships.

Intergovernmental Partnership Matrix

This matrix is derived from Langford (1999), and Gomes and Tesolin (2003)

	No Interaction	Some Interaction		Partnerships		Combination
	working separately	*information sharing*	*association*	*joint projects*	*fully shared initiatives*	*cooptation/ combination*
relationship qualities	each organization works independently with no interaction	organizations work separately but share information	organizations work separately but have areas of coordination, agreement and information sharing	organizations work together on project design and/or implementation, all aspects of decision making and execution not shared	fully shared decision-making in project development, joint implementation, joint accountability	an organization is either overtaken by another, or they are combined
purposes	organizational independence, specialization	increase capacity	increase capacity and influence, potential to create standards	increase capacity, implement more and better projects	more and better project implementation, greater influence, capturing of joint interests	efficiency in operation, elimination of duplication, joining of similar mandates
tools	none	pamphlets, meetings, workshops, seminars, reports	industry associations, NGO coalitions, inter-departmental or joint ministerial bodies	contractual implementation agreements, joint working groups	partnership agreements, often contractual	take-over, buy-out, merger, consolidation, creation of a new organization
sustainability benefits	none	increased capacity, increased knowledge base, less likelihood of unnecessary replication of work, lines of accountability and mandates remain clear,	greater coordination of activities, capacity development, standardization, accountability and mandates remain clear	implementation of more projects, coordination of efforts, ability to undertake larger projects with more diverse perspectives	coordination of efforts, realization of joint benefits, capacity building, ability to undertake larger projects with greater sustainability outcomes	reduction of inefficiency
risks	inefficiency, replication of work,	potential for sharing sensitive or confidential information, or use of information for negative purposes	potential for unbalanced influence by certain members, has the potential to transmit an inaccurate impression of the sector	lines of accountability become unclear, potential for cooptation	lines of accountability can be unclear, if poorly structured possibility of non-accomplishment	loss of diverse perspectives, potential shift of focus

Government/External Group Partnership Matrix

This continuum is derived from Rodal and Mulder (1993:26-29), Gore et. al. (2004: 21), and Dorcey and McDaniels (2001: 252).

	No Interaction	**Some Interaction**		**Partnership**		**Combination**	
	exclusive government control	*consultation*	*consensus*	*joint projects*	*fully shared initiatives*	*control by*	
						private sector	NGO
relationship qualities	little or no consultation or responsiveness, strict, closed government hierarchy	government listens to various points of view, does not necessarily respond	responsive consultation, leading to joint agreement on solutions, government carries out actions	participation in design and delivery of action, often a contributory agreement, accountability remains in government hands	fully shared decision-making in policy development, joint implementation, joint accountability	privitization, all decisions and execution in business hands	devolution, all decisions, and execution in citizen or NGO hands
purposes	maintain government control, militaristic stability	maintain government control, attempting to become more responsive	create widely supported, effective policy	create widely supported initiatives, increase inclusiveness, reduce implementation burden on government	provide better services at lower cost that respond to society's needs	provide services without government resources	provide services without government resources,
tools	none	surveys, focus groups, public hearings	consensus conferences, advisory committees, policy dialogue	contribution agreements, co-management, community board, contractual agreements	partnership agreements, often contractual	privitization, P3	community projects,
sustainability benefits	accountability is clear	potential for more responsiveness and integration of diverse knowledge, accountability clear	widely supported policy, potential for better achieivement of sustainability goals, clear accountability and control	programs include a wider range of perspectives, potential for more responsive governance, potential for cost reduction	cost reduction, widely supported initiatives, responsive and inclusive governance,	more services provided at no or low cost to government	more services provided at no or low cost, perception of open government
risks for government	unresponsive system, may not serve needs of constituents, makes achieving sustainability difficult	potential that government will be selectively responsive, or will not hear all perspectives	potential for selective inclusiveness	lines of accountability blurred, potential for inadequate implementation, potential for cooptation	potential for: unclear lines of accountability, non-achievement of joint objectives, development of excessive influence by partnering organization	lack of control over prices, practices, no accountability, potential for lack of regulatory enforcement	lack of accountability, potential for poorly carried out projects

APPENDIX C: ENVIRONMENTAL PERFORMANCE AGREEMENT POLICY

Environment Canada's policy for Environmental Performance Agreements (EPAs) thoroughly addresses the policy concerns related to certain types of partnerships for pollution reduction. The type of partnerships that they address are those that help large scale polluters to reduce the emissions that they create. The concerns are: maintaining a regulatory backstop and partnering with polluters that have the capacity to make reductions

The policy begins by describing what EPAs are. It says "An Environmental Performance Agreement is an agreement with core design criteria negotiated among parties to achieve specified environmental results. Environment Canada may negotiate a performance agreement with a single company, multiple companies, regional industry associations, a sector association or a number of sector associations. Other government agencies (federal, provincial, territorial or municipal) and third parties (non-government organizations) may also be parties to such agreements…

For industry participants, an Environmental Performance Agreement will stipulate clear and measurable performance standards and include effective accountability mechanisms….For its part, Environment Canada will assume certain obligations depending on the nature of the specific Environmental Performance Agreement."

The policy then details the role that EPAs can play. "Due to their flexible nature, Environmental Performance Agreements can address a wide variety of environmental issues affecting human health and the environment, such as:

- reducing the use and emission of selected pollutants, including substances deemed toxic under the *Canadian Environmental Protection Act, 1999* (CEPA 1999);
- advancing product stewardship;
- conserving sensitive habitat; and
- providing for remedial action where project monitoring indicates a need (e.g., after an environmental assessment) or where environmental effects monitoring associated with an ongoing operation shows a similar need.

It is important to note that Environmental Performance Agreements will not replace the regulatory framework. Rather, they represent an additional tool that Environment Canada can use to achieve its environmental protection mandate. Environment Canada will take participation and performance in an agreement into account and will, to the extent possible, eliminate or minimize the impact on good performers of other tools addressing the same issue. As with past agreements, the wording of an agreement will allow each party to give notice and withdraw from the agreement, if necessary. Where a company is unwilling or unable to meet its obligations under an Environmental Performance Agreement, Environment Canada will consider alternative means, such as regulations or pollution prevention planning, to achieve its environmental objectives.

The policy then lays out the design criteria that EPAs must meet. It says that the following principles will guide the design of EPAs: effectiveness, credibility, transparency and accountability, and efficiency. Additionally, they must meet the following core design criteria:

- Senior-level commitment from participants,
- Clear environmental objectives and measurable results,
- Clearly defined roles and responsibilities,

  Consultation with affected and interested stakeholders,
- Public reporting,
- Verification of results,
- Incentives and Consequences, and
- Continual improvement.

The next chapter of the policy describes Environment Canada's role in EPAs. "Environment Canada will commit the resources needed to negotiate Environmental Performance Agreements and oversee their implementation, and will develop and offer incentives… The Department will continue to track

the experience of other jurisdictions with negotiated agreements and will reflect the lessons learned from that experience in the implementation of this policy framework."

Environment Canada will provide scientific and technical expertise, will monitor performance, and may provide incentives including: applying statutory discretion, recognition, technical assistance, and economic instruments. If there is non-performance in the EPA, Environment Canada will take action. "A case in point would be the negotiation of an Environmental Performance Agreement to reduce the emission of toxic substances as an alternative to a regulation. If such an agreement does not achieve the reduction limits or other identified performance standards within the negotiated timelines, the Department would consider other approaches to reach these limits, including regulation."

The next chapter of the policy explains when Environment Canada will use EPAs. It says they will be used when they "offer the prospect of significant, measurable environmental results. The factors that Environment Canada will consider when determining whether to use an Environmental Performance Agreement include: cost-effectiveness; supportive policy and regulatory framework; capacity of participants; and appropriateness." It explains the criteria to determine if an EPA will have each of these factors.

The policy says that, "these factors can help to indicate whether a performance agreement is an appropriate tool, but no one factor, on its own, is enough. Environmental Performance Agreements may be designed for many different objectives—reduction of pollution emissions, broad-based pollution prevention planning, extended producer responsibility and hazardous waste management, etc.—and a situation that is appropriate for one type of performance agreement may not be appropriate for another. Therefore, these factors are intended to provide a summary of issues that should be considered on a case-by-case basis in determining whether an Environmental Performance Agreement is appropriate for meeting the specific objectives/outcomes desired."

The full text for this policy is available at http://www.ec.gc.ca/epa-epe/en/index.cfm. All quotes and information are taken from the policy (Environment Canada 2001).

APPENDIX D: SUSTAINABLE DEVELOPMENT TECHNOLOGY CANADA (SDTC) REVIEW PROCESS

SDTC provides tremendous assistance to entrepreneurs developing sustainable technology alternatives. Its process for selecting partners addresses the policy concerns related to partnerships for pollution reduction through technology development. The concerns are: choosing partners with enough capacity to develop the technology, choosing partners who will not become dependent, and developing technologies with potential for significant positive environmental impacts.

The document that describes their selection process explains the three phases that applicants must go through. They are: the Statement Of Interest (SOI), the proposal, and contracting.

"In the first phase, entrepreneurs make an initial application through a simple and straightforward Statement of Interest (SOI). These SOIs are designed to provide SDTC a good sense of proposed technologies without imposing an arduous application process.

Completed SOIs are screened and evaluated by SDTC as well as external experts to ensure adherence to selection criteria that include capabilities in technology, marketing, and business (partnerships and funding). Each of these topics is essential to project assessment.

SOIs that comply are invited to submit a proposal (Phase II). This is more detailed than the SOI, and equates more or less to a business plan for the proposed technology. External technical and business experts review the proposals and report their recommendations to SDTC. As well, SDTC performs visits to applicant-consortia sites and identifies projects that need time to develop further.

SDTC's Investment Committee and Project Review Committee then review the refined shortlist of projects, and present a final list of recommendations to the SDTC Board of Directors for review and final approval. These approvals are made in principle, subject to successful contract negotiations."

The eligibility requirements for projects are that they "must focus on the development and demonstration of new technologies that address climate change and clean air issues. The projects must be undertaken primarily in Canada.

Applicants should demonstrate that:

- the proposed project is technically sound and undertaken by an applicant with the necessary technical, financial and management capacity;

  the proposed project will be undertaken in a collaborative and innovative manner;
- the new technology and related intellectual property may be rapidly diffused throughout all relevant sectors; and
- the funding is necessary to ensure that the project proceeds in a manner to ensure broad benefits to Canadians nationally or regionally.

Technologies should have application in the following sectors of Canada's economy: Power Generation; Energy Production; Transmission and Distribution; Energy utilization; Waste Management; Transportation; Forestry, Agriculture, and Mining; Cross-sectoral.

In order to show that they have met these criteria, every applicant must provide detailed information about themselves and about the project that they are proposing. The information that applicants provide at each of the three steps becomes progressively more and more detailed, until at the final, contracting phase, applicants provide all of the following:

- Consortium description
- Status of Consortium Relationships
- Financing
- Work Plan and Budget
- Environmental Assessments Required by Legislation

- Insurance
- Other Contingencies
- Proof of IP ownership
- Payment installments

All quotes and information are taken from the text explaining SDTC's funding process (Sustainable Development Technology Canada 2004). The full text describing this process is available at http://www.sdtc.ca/en/funding/process.htm.

APPENDIX E: ENVIRONMENTAL CHOICE REVIEW PROCESS

The Environmental Choice Program (ECP) is an environmental product certification program. The methods that the program uses for certifying products addresses the policy concerns associated with such initiatives. The concerns are: choosing certification standards that are meaningful and generally agreed upon, using certifiers that have adequate expertise and ability, conducting certification through a transparent process, and making sure that all certified products, companies or processes meet the criteria.

The program's criteria are "developed in cooperation with a broad range of stakeholders including representation from industry, environmental groups, consumer groups, academia and government. The criteria are intended to encourage and recognize reduced environmental impacts, to outline appropriate performance characteristics and to be challenging yet feasible. An important part of this development process is the four- to eight-week public review period in which comments are solicited from any interested stakeholders and the general public. Comments submitted to the ECP during this period are considered and the criteria revised accordingly".

This process makes sure that::

- all relevant technical issues are addressed,
- the scientific validity of the criteria is maintained, and
- the economic feasibility of the criteria is taken into account.

Products for which criteria have not been developed can also be certified. In these situations, "a panel of experts convened by the ECP (Panel Review Process) determines that a specific product or service has significantly less adverse environmental impacts than competing products or services."

Companies interested in being Environmental Choice Certified go through one of two processes. If certification criteria have been developed for their product, in order to be certified, the company must::

1) "Contact the ECP office and describe the type of product or service [they] wish to submit for certification,
2) Request, receive and complete an application package which will contain the criteria that the product must meet to qualify for certification, a list of supporting documentation that must be returned as evidence that these criteria are met, as well as a quote for auditing and verification fees.
3) Return the application form, a cheque for the audit and verification work, and any required supporting documentation to the ECP.
4) Schedule a site audit and enter into a licensing arrangement with the ECP.
5) Receive notification of successful completion of verification process and ECP certificate."

If there are no certification criteria, the process is the same, except that that in addition to returning the application form, and supporting documentation and scheduling the site audit, the applicants must "describe why the product or service is an environmental leader. At some point prior to certification, the claim must be substantiated with third-party laboratory testing, and evidence must be provided that the product or service meets industry accepted performance standards. An independent panel reviews [the] application and supporting documentation, and may request additional information."

After products and services are certified, they will remain certified as long as compliance with the criteria is maintained. "Licensed companies must submit annual attestations confirming their continued compliance. ECP reserves the right to conduct random inspections or product testing to confirm continued compliance. Costs of these activities are the responsibility of the ECP."

"A key aspect of the certification process is the requirement for third party verification of

compliance to ECP certification criteria as a condition for certification and licensing. This process ensures the Program's credibility and includes:

- a review of each applicant company's product and process information;
- an examination of the company's quality assurance (QA) / quality control (QC) measures; and,
- where deemed necessary by ECP officials, an audit of the company's facilities for purposes of initial certification."

All quotes and information are taken from the Environmental Choice website (Terra Choice 2003). The full text describing the standards and processes is available at www.environmentalchoice.ca.

APPENDIX F: ENVIRONMENT CANADA PUBLIC PARTICIPATION POLICY

Environment Canada's policy regarding public participation addresses the concerns involved in partnerships for policy development. They are: involving appropriate stakeholders and partners with adequate knowledge or experience, making sure that partners have adequate resources to make strong contributions, timing partner involvement for when it can have an impact, keeping the process transparent, and carrying out the partnership in a timely manner.

The policy begins with the principles that will guide Environment Canada's approach to consultations. These principles do not only apply to partnerships, but other types of collaborative involvement as well.

The following principles will guide Environment Canada's approach to consultations: Building relationships and trust, influencing decisions, balancing listening with leadership, tailoring our approach, striving for greater effectiveness, and adhering to high quality and performance standards.

The policy says that Environment Canada will incorporate the following characteristics into its consultations. It will:

- provide a clear **context** within which decisions will be made, including links to other related issues and consultation tracks (e.g. provinces);
- have well defined and understood purposes and **goals**;
- set clear and reasonable **timelines**;
- provide **people** who have an interest, the opportunity and the means to participate;
- ensure participation through the use of an appropriate mix of consultation activities or **techniques** (including electronic means);
- have a **budget** corresponding to the nature and scope of the process;
- set clear **ground rules** as to:

  - how **decisions** will be made during the process;

  - the **roles and responsibilities** of Environment Canada and other participants (e.g. other departments, provinces, NGOs, etc.);

  - what **information** will be shared and how;

  - how the different **values, interests, knowledge and contribution** of participants will be recognized and respected; and

  - how **communications** will be managed within and outside the process.
- incorporate measures to assess progress, to **evaluate** and to communicate the success and results of the process; and
- ensure that decisions take into account the results of the consultations and are **fed back** to participants."

In order to build its capacity to make use of consultation, Environment Canada will also implement the following:

- "the assignment by senior management of a high priority to **training and the development of skills** related to consultations when consistent with operational needs;
- the development of **plans**, where appropriate, prior to undertaking new consultation initiatives; and
- the approval of guidelines for dealing with **participant funding** requests in Environment Canada consultation processes;
- an **electronic network** facilitating the sharing of knowledge and intelligence on consultation practices, issues and activities; and
- the ***Guide to Public Involvement*** prepared under the auspices of the Canadian Standards Association (CSA) to assist with the planning and implementation of consultation initiatives."

The policy finally provides detailed specifications concerning how it will fund participants who want to

be involved in these consultations. It says that Environment Canada will:

- Fund travel and accommodation for specific types of participants if they cannot get funding from elsewhere;
- Provide in-kind support when it can "result in more cost-effective participation in the consultation";
- Pay honoraria only if "such compensation is provided under the terms of reference of a board or agency under departmental authority"
- Consider contracts "when well-defined and pre-established deliverables are identified and when it is determined that there is value for money"

All quotes and information are taken from Environment Canada's commitment to effective consultations (1996). The full text describing the standards and processes is available at http://www.ec.gc.ca/consult/policy_e.html.

APPENDIX G: ENVIRONMENTAL GIFTS PROGRAM SETUP

The set-up of Environment Canada's Ecological Gifts program addresses the concerns involved in partnerships for conservation. They are: protecting ecologically valuable land or water, properly and effectively managing the conserved area, involving all stakeholder groups in making management decisions, and conserving the land or water resource in perpetuity.

The program enables private landowners to donate ecologically sensitive land to an environmental charity or government body for conservation. The landowners are involved in deciding how their land will be used and are eligible to receive a tax break.

In order for a landowner to make an "Ecological Gift" they must go through the following process. They must:

1) "Arrange [the] donation. Select and contact an approved recipient to discuss [their] land, conservation goals and donation options…
2) Prepare and file information on ecological sensitivity. The recipient may also help donors prepare the documentation required to determine if [their] land qualifies as ecologically sensitive. There is no formal application form for this step; instead, the landowner and recipient work together to collect the information Environment Canada requires to determine whether the property qualifies as ecologically sensitive, as defined by national, provincial or territorial criteria...
3) Apply for certification of the value of the donation. The donor must submit an independent appraisal of the fair market value of the donation to Environment Canada, along with a signed application form…
4) Finalize the donation. If the donor agrees with the fair market value that Environment Canada is prepared to certify, the donation should be completed (i.e. the title to the land should be transferred or the conservation easement, covenant or servitude registered)…"

Decisions about how the land is to be managed are made in consultation and collaboration between the donor and the recipient.

In order to be considered ecologically sensitive, the areas being donated must be:

- "identified, designated or protected by a local, provincial, territorial, national or international system or body as ecologically significant or ecologically important;
- natural spaces of significance to the environment in which they are located;
- sites that have significant current ecological value, or potential for enhanced ecological value, as a result of their proximity to other significant properties;
- municipal or rural lands that are zoned or designated for biodiversity objectives;
- natural buffers around environmentally sensitive areas such as water bodies, streams or wetlands; and
- areas or sites that contribute to the maintenance of biodiversity or Canada's environmental heritage."

Some provinces also have their own ecosensitivity criteria.

> Landowners can donate gifts of ecologically sensitive land to environmental charities approved by the Minister of the Environment, as well as to federal, provincial, territorial and municipal governments…There are more than 163 eligible recipients across Canada, including land trusts and nature conservation groups…Recipients of ecogifts are responsible for maintaining the biodiversity and environmental heritage values of the property in perpetuity.

All quotes and information are taken from Environment Canada's handbook on Ecological Gifts (2003). The full text describing the standards and processes is available at http://www.cws-scf.ec.gc.ca/ecogifts/intro_e.cfm.

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